

# United States Court of Appeals for the Fifth Circuit

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No. 22-11188  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

July 7, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

JOSEPH MICHAEL EASTON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:22-CR-56-1

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Before JOLLY, JONES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Joseph Michael Easton pleaded guilty to possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). He appeals and, relying on *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012), argues for the first time that § 922(g)(1) exceeds the scope of Congress's power under the Commerce Clause and is therefore unconstitutional. The

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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Government has filed an unopposed motion for summary affirmance and an alternative request for an extension of time to file its brief.

Easton correctly concedes that his arguments challenging the constitutionality of § 922(g)(1) are foreclosed. *See United States v. Alcantar*, 733 F.3d 143, 145-46 (5th Cir. 2013); *United States v. Daugherty*, 264 F.3d 513, 518 (5th Cir. 2001); *United States v. De Leon*, 170 F.3d 494, 499 (5th Cir. 1999). He raises the arguments to preserve them for further review.

Because summary disposition is appropriate, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.